
BZA-1895
MICHAEL GASSER ON BEHALF OF AT&T MOBILITY
Special Exception

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent of owner, is seeking a special exception to legitimize and expand a primary communication tower. The tower is currently 140' tall and would be increased to 170' and a new 12' x 20' shelter will be built. The property is located on land owned by PSI Indiana, Inc. and adjacent to a Duke Energy substation on CR 500 West just south of SR 26, Wabash 16 (NW) 23-5.

AREA ZONING PATTERNS:

The site and land surrounding to the north, east and south is zoned A, Agricultural. Property to the west across CR 500 is zoned AW, Agricultural Wooded. This site received a special exception in 1970 for the utility substation (BZA-103).

AREA LAND USE PATTERNS:

The tower is on the north side of a substation operated by Duke Energy. Woods and single-family homes are located north of the site along SR 26. The area is generally agricultural fields interspersed with residences.

TRAFFIC AND TRANSPORTATION:

The site gains access from a private driveway onto CR 500 West, which is classified as a rural local road.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

No well or septic are required for this use. No buffering is necessary.

STAFF COMMENTS:

This tower appears to have been built in the 1990's, a time when staff believed that the cellular component of public utilities could not be regulated locally by zoning. No special exception was ever granted to this tower. Granting this request will not only legitimize this use but also allow additional carriers to co-locate without the need for other towers in the area.

According to the petition, technicians will only visit this site periodically at this unmanned facility. The tower's height will be increased from 140' to 170' (still meeting tower setbacks); no additional lighting will be needed other than a security light. The submitted site plan shows a proposed 12' x 20' shelter for AT& T; two other shelters exist to the north.

At its meeting on October 2, 2013 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for this use in the Agricultural zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. Setbacks for both the tower and the building will be met and the site is secured by a fence, per ordinance requirements.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. The tower has existed in this location for approximately 20 years with no reported complaints; adding 30' to the tower and an equipment building will have a minimal impact.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: According to the petition, a technician will visit the site monthly for 1 – 3 hours and the impact will be negligible.
 - b. Placement of outdoor lighting: The only lighting will be security lighting on the equipment buildings; the tower will not need to be lit per FAA requirements.
 - c. Noise production: Sources of noise will be from heating and cooling equipment and will not be disruptive.
 - d. Hours of operation: 24 hours per day, 7 days per week are the typical hours of operation for this use.

STAFF RECOMMENDATION:

Approval